

FISCAL IMPLICATIONS

DOA states that they would incur expenses to assemble and convene the workgroup and collect the background information necessary for the group to perform a sound evaluation and formulate any necessary actions.

SIGNIFICANT ISSUES

Senate Memorial 52 states that agriculture is historically and economically important to New Mexico and its citizens and communities and New Mexico's children must be provided with a safe place to obtain an education. Schools may be located in an agriculture community and various plant protectants and nutrients are applied to agronomic crops.

Children's exposure to chemicals or toxins that may trigger asthmatic or chemical sensitivity reactions should be minimized.

The Senate of the State of New Mexico requests that the Director of the New Mexico Department of Agriculture be requested to assemble a work group to evaluate what effects may exist from aerial applications made to agronomic crops near schools and formulate precautionary actions to ensure that children are not being exposed to the products used in aerial applications during school hours.

The work group should consist of a representative from:

- the Department of Health,
- the Department of Environment,
- the Public Education Department,
- the aerial applicator industry,
- the Tools for Schools Good Neighbor Program
- a local school district and any other members the director feels will add value to the product

SM 52 also requests that the director report on the progress of the work group to the appropriate interim legislative committee no later than November 1, 2007.

DOA reports that they are designated by the U.S. Environmental Protection Agency (EPA) as the state lead agency for pesticides and as such is required to have and exercise adequate authority to regulate pesticides in the state. DOA has and exercises authority over pesticide applications and investigates all allegations of pesticide exposure, wherever they may occur. DOA takes action against applicators, whether aerial or ground, when their actions put persons at risk of exposure. DOA conducts routine and "for cause" inspections of all aerial applicators and can target inspections of applications around sensitive areas including schools.

ADMINISTRATIVE IMPLICATIONS

According to DOA, they would incur expenses in terms of staff time and travel to engage in the evaluations and workgroup meetings and additional staff would be required to gather and compile data and information on the types of crops grown, locations of schools, pesticide and fertilizer use, and other factors necessary to study this.